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June 23, 2005

VIA ELECTRONIC FILING

United States District Court
James T. Foley U.S. Courthouse
Attention: Hon. Randolph F. Treece
U.S. Magistrate Judge
445 Broadway - Room 448
Albany, New York 12207

RE: Sinicki, et al v. General Electric Company and New York State Energy Research &
Development Authority
Case No.: 05-CV-0508 (TJM/RFT)
Our File No.: NYAL 01644

Dear Judge Treece:

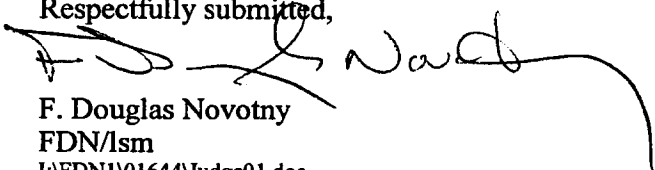
This office represents New York State Energy Research and Development Authority ("NYSERDA") in the above-captioned matter. The Court has previously allowed co-defendant General Electric Company pursuant to Federal Rules of Civil Procedure 14 to cause a summons and complaint to be served upon Wright-Malta Corporation which later may be liable to NYSERDA for all or part of the plaintiffs' claims against NYSERDA. On the basis of information developed thus far, NYSERDA is inclined to commence its own action against Wright-Malta Corporation.

Since more than ten (10) days have elapsed since NYSERDA served its answer, NYSERDA must obtain leave of Court "on motion upon notice to all parties to the action" to name Wright-Malta Corporation as a third-party defendant. I have spoken with counsel for plaintiff, Jeffrey Carton, Esq., and counsel for General Electric, Arthur J. Siegel, Esq., and both of them have informed me that they would not oppose NYSERDA's motion to implead Wright-Malta Corporation.

It is my understanding that the Court's motion schedule makes the next available motion date August 4, 2004. In light of the above, and since all parties have indicated that they would not oppose NYSERDA's impleader action, NYSERDA requests that the Court consider signing an Order on Consent allowing NYSERDA to file its impleader action. I am enclosing a proposed Order on Consent for the Court's consideration as well as a statement from involved counsel consenting to same.

Kindly advise if any additional information would prove useful to the Court.

Respectfully submitted,


F. Douglas Novotny

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Jun-22-2005 02:34pm From-Law Ofc F D Novotny

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7-543 P.002/002 F-474

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June 22, 2005

(VIA FACSIMILE 914-517-6035)
Meischman, Denlea, Packman,
Carron & Eberz P.C.
Attention: Jeffrey I. Carron, Esq.
1311 Mamaroneck Avenue
White Plains, New York 10605

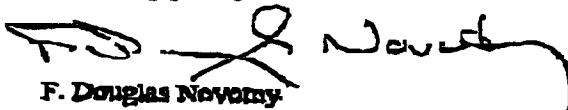
(VIA FACSIMILE 518-532-3299)
Bond, Schoenack & King, PLLC
Attention: Arthur J. Siegel, Esq.
111 Washington Avenue
Albany, New York 12210

RE: Simicki, et al v. G.E. and NYSERDA
05-CV-0508 (TJM/RFT)
Our File No.: NYAL 01644

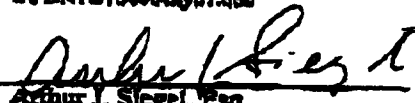
Dear Counselors:


As we discussed, could you please sign below indicating that you consent to defendant New York State Energy Research & Development Authority's ("NYSERDA") request to commence a third-party action against Wright-Matta Corporation.


Very truly yours,


F. Douglas Novotny

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Arthur J. Siegel, Esq.
Bond, Schoenack & King, PLLC
Attorneys for **DEFENDANT, GE**


Jeffrey I. Carron, Esq.
Meischman, Denlea, Packman,
Carron & Eberz P.C.
Attorneys for **G.E. PLAINTIFFS**


F. Douglas Novotny, Esq.
Law Offices of
F. Douglas Novotny
Attorneys for **NYSERDA**

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To-Law Ofc F D Novotny

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United States District Court
James T. Foley U.S. Courthouse
Attention: Hon. Randolph F. Treece
June 23, 2005
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c: **(VIA FACSIMILE 914-517-5055)**
Meiselman, Denlea, Packman,
Carton & Eberz P.C.
Attention: Jeffrey I. Carton, Esq.
1311 Mamaroneck Avenue
White Plains, New York 10605

(VIA FACSIMILE 518-533-3299)
Bond, Schoeneck & King, PLLC
Attention: Arthur J. Siegel, Esq.
111 Washington Avenue
Albany, New York 12210

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
PAUL A. SINICKI, JUNE A. SINICKI, GERALD J. SKIFF,
BARBARA L. COMORSKI, Individually And As Executor Of
The Estate of STEPHEN J. COMORSKI, Deceased, And
DONNA M. WILT, Individually And As Administratrix Of
The Estate Of DAVID R. WILT, Deceased,

Plaintiff(s),

-against-

GENERAL ELECTRIC COMPANY and NEW YORK
STATE ENERGY RESEARCH & DEVELOPMENT
AUTHORITY,

Defendant(s).
-----X

ORDER ON CONSENT

05-CV-0508
(TJM/RFT)

Upon reading and filing New York State Energy Research & Development Authority's ("NYSERDA") application, pursuant to Federal Rules of Civil Procedure 14, to commence a third-party action against Wright-Malta Corporation, which is or may be liable to NYSERDA for all or part of plaintiffs' claims against NYSERDA and NYSERDA having advised the Court that plaintiffs, through their counsel, Jeffrey Carton, Esq., and Defendant General Electric, through its counsel, Arthur Siegel, Esq., have no opposition to NYSERDA'S application to file and serve a third-party complaint against Wright-Malta Corporation,

IT IS ORDERED, that defendant NYSERDA's application to commence a third-party action against Wright-Malta Corporation is in all respects GRANTED.

Dated: June 24, 2005


Hon. Randolph F. Treece
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
PAUL A. SINICKI, JUNE A. SINICKI, GERALD J. SKIFF,
BARBARA L. COMORSKI, Individually And As Executor Of
The Estate of STEPHEN J. COMORSKI, Deceased, And
DONNA M. WILT, Individually And As Administratrix Of
The Estate Of DAVID R. WILT, Deceased,

Plaintiff(s),

-against-

05-CV-0508
(TJM/RFT)

GENERAL ELECTRIC COMPANY and NEW YORK
STATE ENERGY RESEARCH & DEVELOPMENT
AUTHORITY,

Defendant(s).

-----X

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2005, I electronically filed the foregoing Order on Consent, with the Clerk of the District Court, using the CM/ECF system, and I have transmitted the document via facsimile and first-class mail on June 23, 2005 by the United States Postal Service to the following:

(VIA FACSIMILE 914-517-5055)

Meiselman, Denlea, Packman,
Carton & Eberz P.C.
Attention: Jeffrey I. Carton, Esq.
Attorneys for Plaintiffs
1311 Mamaroneck Avenue
White Plains, New York 10605

(VIA FACSIMILE 518-533-3299)

Bond, Schoeneck & King, PLLC
Attention: Arthur J. Siegel, Esq.
Attorneys for Defendant General Electric Company
111 Washington Avenue
Albany, New York 12210


F. Douglas Novotny